

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

FROM: 07480408

TO:

SUBJECT: Kenner 13-cr-607 (JFB)

DATE: 09/01/2019 08:04:51 PM

September 1, 2019

Judge Bianco:

I am writing in response to the submission by Attorney Wollinsky on behalf of himself, and clearly in support of his "friend" Ken Jowdy. Mr. Wollinsky continues to present his concern as manager of the homeowners LLC in concert with his self-serving claims that a documented fraudster like Ken Jowdy is the salvation to value in the Mexico resort (See Document 667). Mr. Wollinsky is clearly prejudicial towards his and his friend's current interests and has ZERO concerns for the FACTS that Jowdy defrauded Kenner and the Kenner investors tens of millions of dollars...before Jowdy and his management cabal began their well-documented RICO-designed thefts at Diamante Cabo, further injuring Kenner and the Kenner investors. Perhaps, Wollinsky has not read the irrefutable Document 667 from the case docket; clearly exposing the 2-decade Jowdy criminality to anyone in his path and the virtually certain FBI protectionism since Kenner whistle blew on the Jowdy schemes in late 2006 to his Hawaii-Mexico investor base. These are the same frauds Michael Peca testified clearly about in 2011 (in concert with repetitive SDNY Grand Jury testimony from Hawaii-Mexico investor Darryl Sydor and Turner Stevenson). Sadly, Wollinsky refuses to acknowledge the criminal truths of 100% thefts by his friend, rather re-directing his claims that "without Jowdy" in a forfeiture, the resort would crumble in value.

The government's own accounting (government-forfeiture-36 and government-forfeiture-44) confirm that Jowdy received 100% of the 2004-06 Hawaii loans and investment funds (in contradiction to the FBI agent's pre- and post-trial claims to the unknowing investors that "Kenner stole all of their money"). The government accounting also confirms that in any accounting scenario, the most they trace from the corporate-authorized Hawaii loans to Jowdy's Cabo equity is \$350,000 (which the Mexico courts proved Jowdy and his attorneys extorted from the seller of the property as part of a \$750,000 offshore wire transfer pre-close in 2006). Only 2 of the 26 Hawaii Partners failed to authenticate the loans and their knowledge of such since 2006 and at the 2015 trial. That was hardly an overwhelming concealment attack on Kenner's transparency. The only recognizable fraud related to Diamante resides in the corporate thefts documented and traceable to Jowdy and his cabal. The government's desire to introduce the Cabo project into the instant case WITHOUT A NEXUS to Kenner or other Kenner investors is an ongoing fraud on this court, and those who have relied upon the government for guidance in this matter (See 7-2-2019 hearing at Tr.33). Kenner's investment partner's letter to the Court (See Document 652) clearly identifying the myriad of falsities the government ignores for their own misguided storyline based on faulty memory, confusion and mistakes (Document 440 at 16). Stumpel's letter hi-lights the complicity of the FBI agent, John Kaiser and Bryan Berard during their Jowdy advocacy (for pay) to confuse and lie to the investors.

It is indisputable that \$6.4 million of the documented \$6.25 million closing funds are from UNTAINTED and CLEAN money; more than 100% (with the overage more funds stolen by Jowdy pre-Cabo-closing). Whatever accounting fraud Jowdy and the Lehman Brother bankers perpetuated on Kenner and Kenner investors at the March 2006 closing was mis-managed out of Kenner's controls and sued for from 2007 until Kenner's 2013 arrest.

There is NO LOSS in the Kenner case (See Kenner forensic accounting submission & August 25, 2019 letter submission to the Court); only claims of "concealment" by 2-4 of the Hawaii Partners of the 26 Hawaii-Mexico investors. The FBI's protection of Jowdy since 2009 continues to harm all investors, defraud the Court proceedings, with none financially harmed by Kenner or related to the Diamante project.

Judge Bianco espoused on July 2, 2019 (Tr.27) that "If the government continues to not really focus on this [Cabo collateral damage and accounted for loss figures], I'm going to have to try and figure it out myself, in terms of where I should draw the line." It is clear -- after reviewing the government's own accounting -- that they are "running from their own discoveries" because it proves NO NEXUS. If they NOW -- 10 years after Kenner's FBI whistle blowing proffer have a problem with Jowdy (as Kenner alerted them to in 2009), then indict Jowdy and his cabal, or at least explain to the Court, Kenner and the investors that Kenner "did not steal any of the money" (inapposite Galito and the jowdy cabal broadcast since 2009) and jowdy really has it all...plus an apparent "get out of jail free card" to continue his criminal thefts from the Cabo project with Danske Bank's underlying knowledge (See Kaiser's letter of February 28, 2019, confirming complicity -- Docket 628).

At a minimum, this ongoing confusion as the premise for the government's malfeasance begs the Court for a Fatico hearing to sort out the financial truths in the instant case.

I remain respectfully yours, Phil Kenner